IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4828 of 1995

Between:

1 Sangam Pedda Veeraiah, S/o. Chinna Sayanna,
R/o. Bairapur Village., Birkur Mandal,
Nizamabad Dist.
2 Mekala Istari, S/o. Devaiah,
R/o. Bairapur Village., Birkur Mandal,
Nizamabad Dist.
3 Gunje Yellappa, S/o. Guruvaiah,
R/o. Bairapur Village., Birkur Mandal,
Nizamabad Dist.
4 Gundla Pedda Sayanna, S/o. Naganna,
R/o. Baswapur Village, Kotgiri Mandal, Nizamabad Dist.

..... PETITIONERS

AND

1 The District Collector,
Nizamabad.
2 The Chief Engineer (Irrigation)
Erramanzil Colony, Hyderabad.
3 Superintending Engineer (IB) Division,
Nizamabad.
4 Executive Engineer, Irrigation Division,
Nizamabad.
5 Executive Engineer,
Panchayat Raj Bodhan.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus to the respondents to pay the compensation to the petitioners in respect of the lands i.e. the lands in Sy. Nos. 138 and 167 extent Ac. 5.04 gts. and 0.35 gts: and Sy. No. 67 extent Ac. 2.33 respectively which were taken possession for the purpose of construction of Khan Cheru tank by in invoking the provisions of Land Acquisition Act or alternatively resume the lands in favour of the petitioners within six months from the date of the order by duly declaring the inaction of the

respondents in this case in not paying the compensation to the petitioners for the lands acquired without resorting to the provisions of land Acquisition Act on one or other pretext as illegal, arbitrary and contrary to the provisions of Art. 300-A of the constitution of India.

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.4828 OF 1995

ORDER:

This writ petition is filed questioning the action of the respondents in acquiring the lands in survey Nos.138 and 176 to the extent of Ac.5.04 gts., and 0.35 gts., and land in Survey No.147 to the extent of Ac.1.36 gts, land in Survey No.141 to the extent of Ac.1.17 gts., and land in Survey No.67 to the extent of Ac.2.33 gts., respectively, without following the provisions enunciated under the Land Acquisition Act.

According to the petitioners, possession of the said land was taken in the year 1962 and this writ petition is filed in the year 1995. There is abnormal delay and lapse on the part of the petitioner and there is no valid explanation for such delay. In that view of the matter, the writ petition is liable to be dismissed on the said ground.

The writ petition is accordingly dismissed. However, it is made clear that if any request is made by the petitioners for allotting alternative land, it is open for the respondent to pass appropriate orders. If already any such order is passed allotting alternative lands to the petitioners, the order in this writ petition will not, in any way, affect the same.

The writ petition is dismissed with the said observation. No costs.

18.1.2005.

mdaa.

Copy to:

1 The District Collector,
Nizamabad.
2 The Chief Engineer (Irrigation)
Erramanzil Colony, Hyderabad.
3 Superintending Engineer (IB) Division,
Nizamabad.
4 Executive Engineer, Irrigation Division,
Nizamabad.
5 Executive Engineer,
Panchayat Raj Bodhan.

6. Two C.Cs to G.P.for Irrigation and Command Area Development, High Court of A.P., Hyderabad (OUT).

7. Two C.D. copies.